

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
JANUARY 29, 2009
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **January 29, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
PRESIDENT DAVID TANDY: PRESENT
CHERI BRYANT HAMILTON: PRESENT
GEORGE UNSELD: EXCUSED ABSENCE
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: EXCUSED ABSENCE
JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JON ACKERSON: PRESENT
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: PRESENT
BRENT ACKERSON: PRESENT

CLERK: There are 23 members present establishing a quorum.

PRESIDENT TANDY: Thank you, Madam Clerk. Madam Clerk, please cause the record to reflect that council members Unseld, Ward-Pugh and Flood have excused absences.

CLERK: So noted.

ADDRESSES TO COUNCIL:

PRESIDENT TANDY: Madam Clerk, are there any addresses to council?

CLERK: Yes sir.

***Maria Price – St John’s Center – External Funding
Elizabeth Haywood – U of L Climate Change Conference***

CLERK: That concludes the addresses to council.

GUESTS:

PRESIDENT TANDY: Next, we will have guests at the council, Councilman Kramer.

COUNCILMAN KRAMER: We are here to say thank you to two firefighters.

We are here to thank them for the work that they did on July, on July 4 not for the fact that neither one of them is very well awake.

I hope that either one of them will be able to watch on video at some point.

Neither one has had any sleep since Tuesday.

They have been out responding to calls where wires are pulled away from houses. They have responded to several active house fires.

In between the calls, rather than wait for the next call, they have stayed in neighborhoods cutting up trees and pulling trees out of roadways because they were aware that if they went back to the firehouse they would get called back for that any way so the two of them as well as the rest of the folks at McMahon as well as all of our other firehouses I'm sure the suburban and metro fire departments are all overwhelmed this week. We should be saying thanks for that.

I know now it's time to say thanks for what we are here for.

On July 4 there was a call that came into emergency services that there was smoke in the area of Whitehall apartments.

That was it, smoke in the area.

The fire department dispatched, drove around, eventually -- I shouldn't say eventually, within three minutes found smoke on the exterior of the building, determined which apartment unit it was based on where it was, Major Kyle Rieber and firefighter Jason Reece entered the apartment looking for victims.

They found a female victim on the floor in the living area.

They dragged her out.

By the time they got her outside J-town fire department was there.

They turned her over to J-town's fire department who immediately began resuscitation.

E.M.S., of course, was on the way.

The two gentlemen behind me went back in looking for victims.

Fortunately, she was the only one in the apartment at the time.

Because of their quick response and because of the help they got from J-town and subsequently E.M.S., the woman made it to the hospital and survived.

I wanted to take this evening to say thank you to them for the work that they did and on behalf of the family. So I will read to you the proclamation. It says

To all whom these letters come, greetings know ye that the Louisville metro council recognizes Kyle Rieber in recognition of his actions in rescuing a Louisville resident.

We recognize Mr. Rieber's courage and leadership and helping a fellow citizen. In testimony whereof we have caused these letters to be made and the seal of the Metro Government to be hereunto affixed

It is dated today and signed by myself and the president of the council.

I wanted to say thank you to these two for July 4 and for the work that they continue to do as we struggle with the weather.

CHIEF RIEBER: Thank you very much for this honor.

It's always nice to get recognized for something we do every day, but this is our job and we love

doing it, and we are glad we are able to help this lady and be in the right place at the right time.

PRESIDENT TANDY: Thank you, Councilman Kramer and thank you, gentlemen, for the work you do each and every day.

I would like to take a point of personal privilege and I will be joined by one of my colleagues in these comments in that we also want to thank especially during this difficult period that we are going through with fighting this ice and snowstorm, we want to thank each and every member of the E.ON family that is braving the bitter cold outside and working day and night to help us restore power to this community and for a lot of those folks where they are family members as well are without power and we want to thank them as well as guests who are coming in from out of town to lend us a helping hand in restoring the power.

Additionally we want to thank all of the folks who are working in public works who are helping to keep our streets clear and making it safe for us to pass along the highways and trying to get to and from our family members and our respective places of business, and then finally we want to thank the people of Louisville for once again demonstrating their resiliency in the face of adversity.

That is the spirit that makes Louisville the city that we are.

And Councilman Peden, I'm sure you have more to add to that.

COUNCILMAN PEDEN: I would like -- appreciate your recognition.

I myself being emergency services worker, it was absolutely amazing over the last 48 hours.

In 23 years, I have never seen anything like it and I just wanted to kind of recognize my fellow firefighters and every other person who has been out there all night every day with no sleep.

We will start with the emergency services because that's what I'm probably most familiar with, and my fire department which normally does about two runs a day, we did 83 runs in the last, in the 24 hours starting Tuesday night into Wednesday night.

Pleasure Ridge Park by comparison, I'm pretty sure they are up in the 200 run range in the last 48 hours so if you guys in the west side of town want to give them a call and that doesn't include the urban area.

I can guarantee with the mature trees in the Highlands and in Old Louisville, those guys haven't gotten a lot of sleep over the last few hours. I don't know if we have had to call in any extra help but I know they are running constantly.

And then the police who are out who are sitting on lines here and there, who are having to patrol areas that are darkened because of the blackout and no electricity, unsure footing. Can't check anything out. A foot chase has got to be something of an adventure at this point.

To E.M.S., where you have got older folks with no electricity whose oxygen is running out and medications they can't get to and I witnessed last night a gentleman overcome in his garage by C.O. because he was trying to get his generator started, just watching E.M.S. workers trying to pull that stretcher over an unplowed driveway, all of the additional work and everything going on. Emergency services have been really taxed and everybody has been a trooper, but also to include public works who have I to say the roads are in magnificent shape.

Whatever the new formula in the salt on the main roads, it's amazing how quickly it worked and I know there are people going why don't they come and do my street?

But these guys have been working constantly and keeping the main thoroughfares clear and trying to get some of the side streets.

And, as President Tandy mentioned the LG&E workers from E.ON and all of their contractors and especially a big shout out to everyone who has come from a warmer climate who is visiting from another state to come in here and try to get Louisville back in order and I know we swap out services but we appreciate you guys coming up here helping.

We made our first emergency wire down run about 8:00 Tuesday night, and on our way to that

first run, LG.&E was already out putting lines back up and getting things fixed and I personally witnessed, they go back to the same address at least the one that I passed several times, three times because the limbs just kept falling down and taking down the same line and without any complaints and without any kind of recognition expected they just come back and put it up and do their job even though it's snowing and icing and hanging from the helmets. Then you factor in everyday folks who are volunteering at all of the evac shelters. If you have constituents that you have recommended where to go and live because they don't have power. Unlike Hurricane Ike where the weather was fairly pleasant You don't have electricity now, your house gets cold pretty quick. So the folks that are taking care of them and serving meals. And then, again, let's just include as Councilman Tandy said the neighbors helping neighbors. Today I was out taping up lines down on Briscoe Lane, Smyrna Road, a guy pulls up and says can I get through and I'm like, no, not really. He said I want to go check on that lady in that house, senior citizen living alone. I haven't heard from her in a couple of days. She usually keeps pretty good contact. They just wanted to make sure she was all right. So anybody who has gone out and checked on friends, family, relatives. To the four guys who helped get my wife's van out of our driveway today. We hadn't been anywhere in four days and it was pretty well adhered down. If you have done something nice for someone in the last two days, I want to commend you for that too. The Metro Council ought to give the entire city a round of applause at this point. Thank you, Mr. President.

PRESIDENT TANDY: Thank you Councilman Peden.

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Next item of business is approval the council minutes we have the council minutes of the regular meeting of January 8th 2009 and special meeting Jan 15th, 2009. Are there connections or deletions?

COUNCILMAN ENGEL: Motion to approve.

COUNCILWOMAN WOOLRIDGE: second.

PRESIDENT TANDY: The item is properly moved and seconded.

All in favor say aye.

ALL PRESENT: aye.

Opposed?

The ayes have it.

The items are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: The next item is approval of committee minutes.

The following committee's minutes need to be approved.

REGULAR: COMMITTEE OF THE WHOLE – January 8, 2009

SPECIAL: CONTRACTS AND APPOINTMENTS – January 26, 2009

SPECIAL: HEALTH AND HUMAN NEEDS – January 27, 2009

SPECIAL: PLANNING/ZONING, LAND DESIGN & DEVELOPMENT – January 27, 2009

SPECIAL: TRANSPORTATION/PUBLIC WORKS – January 27, 2009

Are there any corrections or deletions.

COUNCILWOMAN WOOLRIDGE: Motion to accept.

COUNCILMAN BLACKWELL: Second.

PRESIDENT TANDY: Properly moved and second.

All in favor say aye.

PRESIDENT TANDY: All opposed?

The ayes have it and minutes are approved as written.

Madame Clerk please let the record reflect that we have been joined by Councilman Hawkins.

CLERK: So noted.

COMMUNICATIONS FROM THE MAYOR

PRESIDENT TANDY: Madam Clerk, do we have communications from the mayor?

CLERK: Yes sir.

January 26, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Louisville and Jefferson County Board of Health Ordinance, I am re-appointing the following to the **Louisville and Jefferson County Board of Health**. .

Name		Term
Ramona Johnson (Nurse)	Reappointment	July 31, 2012
Dr. Sherry Babbage (Dentist)	"	July 31, 2012
Michele Harbin Williams (Nurse)	"	July 31, 2012
Dr. Karen Cost (Doctor)	"	July 31, 2012

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

January 26, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Volunteer Fire District Ordinance, I am appointing Mr. John R. "Bob" Dooley to the Buechel Fire Protection District Board. He will fill the position of Firefighter. The appointment will expire on June 30, 2012.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

January 26, 2009

David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Volunteer Fire Districts Ordinance, I am appointing Mr. David L. Nelly, Sr. to the **Pleasure Ridge Park Fire Protection District Board**. He will fill the position of Firefighter. This appointment will expire on June 30, 2010.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

Cc: Councilwoman Vicki Welch enclosures
e-copy to MCC

January 26, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Jefferson County Cooperative Extension Service District Board Ordinance, I am appointing the following to the **Jefferson County Cooperative Extension Service District Board**.

Name		Term
William Smith	Re-appointment	December 31, 2011
Tracy Schiller	New appointment	December 31, 2011

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

January 26, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Library Advisory Commission Board Ordinance, I am appointing the following to the **Library Advisory Commission Board**.

Name		Term
Dale Ahearn	Re-appointment	December 31, 2011
Cecelia Wooden	Re-appointment	December 31, 2011

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

January 26, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Urban Renewal Commission Board Ordinance, I am re-appointing Philip Levy to the **Urban Renewal Commission Board**. This appointment expires on June 30, 2012.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

January 26, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Louisville Downtown Management District Board Ordinance, I am re-appointing the following to the **Louisville Downtown Management District Board**.

Name	Term
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Debra DeLor, Main Street Assoc.	Re-appointment	January 31, 2012
Tim Mulloy, Mulloy Properties	"	January 31, 2012
Kathy Slay, EoN	"	January 31, 2012
Paul Ford, Riverside Parking	"	January 31, 2012
Sam Moseley, AJ Schneider Co.	"	January 31, 2012

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

January 26, 2009

David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear Mr. President:

In accordance with the Neighborhood Plan Ordinance, I am appointing the following to the **Glenview Small Area Plan Advisory Group**.

Name		Term
Deborah Reiss	New appointment	n/a
Walter Thomas Halbleib, Jr.	"	"
Roy F. McMahan, III	"	"
Richard M. Breen	"	"
Elizabeth Elkinton Barr	"	"
Nanette C. Tafel	"	"

Council approval of these appointments is not required.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilwoman Vicki Welch
e-copy to MCC

CLERK: Read in full.

PRESIDENT TANDY: Thank you, Madam Clerk these items will be referred to the Contracts and Appointment Committee for review.

CONSENT CALENDAR:

PRESIDENT TANDY: The next item is business is the content calendar is consisted of items 10 through 19. Are there any additions or deletions? Seeing none, Madam Clerk, a second reading of these items.

10. R-212-12-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED AMENDMENT PROFESSIONAL SERVICE CONTRACT – ROOSEVELT LIGHTSY, JR. - \$22,120.00.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Barbara Shanklin

11- R-219-12-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (MELVIN BETHEL - \$37,430.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Cheri Bryant Hamilton

12- R-2-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY GYNECOLOGICAL AND OBSTETRICAL FOUNDATION, INC. - \$15,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

13- R-218-12-08 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (MARIGNY J. BOSTOCK - \$11,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

14- R-8-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY GYNECOLOGICAL AND OBSTETRICAL FOUNDATION, INC. - \$42,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

15. R-4-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – (BOOK WHOLESALERS, INC. - \$500,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Tina Ward-Pugh

16. R-5-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT - (BAKER AND TAYLOR, INC. - \$1,500,000.00)

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Tina Ward-Pugh

17. R-6-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – (NUBRO, INC. D/B/A BRODART COMPANY - \$500,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Tina Ward-Pugh

18. R-7-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – (MIDWEST TAPE, LLC - \$500,000.00).

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Tina Ward-Pugh

19. O-226-12-08 AN ORDINANCE CLOSING AN UNNAMED, UNIMPROVED 12-FOOT WIDE ALLEY LOCATED ON THE EAST SIDE OF 18TH STREET, 118 FEET NORTH OF THE INTERSECTION OF 18TH AND JEFFERSON STREETS, RUNNING 120 FEET EAST AND CONTAINING 1,440 SQUARE FEET, AND BEING IN LOUISVILLE METRO (CASE NO. 11468).

Status: On Council Agenda - Consent Calendar
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion to approve?

COUNCILMAN PEDEN: Motion to approve.
COUNCILMAN DOWNARD: second.
PRESIDENT TANDY: The item is properly moved and seconded.
The consent calendar requires a roll call vote.
Madame Clerk, please open the voting.
The voting -- without objection the voting is closing.
The voting is closed.

Voting result: Consent Calendar

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: EXCUSED ABSENCE
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: EXCUSED ABSENCE
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 23 yes votes and three members not voting; Councilman Unsel and Councilwomen Ward-Pugh and Flood.

OLD BUSINESS:

PRESIDENT TANDY: The next item is Old Business. Madam Clerk, a reading of item 20.

20-R-3-01-09 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION TO THE COMMONWEALTH OF KENTUCKY AND TO PERFORM ALL OTHER TASKS NECESSARY TO OBTAIN A KENTUCKY NEIGHBORHOOD STABILIZATION PROGRAM GRANT AND TO ACCEPT THE RESULTING GRANT.

Status:-On Council Agenda - Old Business

Committee:-Health & Human Needs

Primary Sponsor:-Cheri Bryant Hamilton

PRESIDENT TANDY: May I have a motion for approval?

COUNCILMAN DOWNARD: Motion to approve
COUNCILWOMAN WOOLRIDGE: second.

PRESIDENT TANDY: There a motion to approve and it is seconded.
This item is now before us for discussion.

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you Mr. President. First of all, I would like to thank my colleague Vicki Welch and also Councilman Stuart Benson. I was not able to get to the committee meeting they chaired and pass these items out of committee, however, without a quorum Mr. President, they were passed with our recommendation. We are asking and looking for support for this item along with two others that came out of that same committee. And if there is any questions regarding these items, we can look at the minutes or I can ask you to defer to the two people that was here for comments on the item, this particular item.

PRESIDENT TANDY: Is there any discussion?

Councilwoman Welch.

COUNCILWOMAN WELCH: I wanted to say that there were representatives here to speak about every one of these items and they gave very good explanations and Councilman Benson and I did ask questions so we felt like it was thoroughly explained to us. Even though we could not vote on it.

PRESIDENT TANDY: Any further discussion?

Seeing none, this is a resolution that calls for a voice vote.

All in favor, please signify by saying aye,.

ALL PRESENT: Aye

PRESIDENT TANDY : All opposed?

The ayes have it. **The resolution passes.**

Next item on the agenda is item number 21. Madam Clerk, a reading of that item.

21--R-216-12-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A \$398,618.00 GRANT FROM THE ROBERT WOOD JOHNSON FOUNDATION FOR A PROJECT TO REVERSE CHILDHOOD OBESITY TRENDS.

Status:-On Council Agenda - Old Business

Committee:-Health & Human Needs

Primary Sponsor:-Judy Green

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: This item has been properly moved and seconded.

This item is now before us. Is there any further discussion?

COUNCILWOMAN WOOLRIDGE: Mr. President, thank you.

Again, this is one of the items that came out of Health and Human Needs Committee without a recommendation for the lack of a quorum, however, this is a grant to reverse childhood obesity and I did get to hear some of the channel 25, and this is a very interesting grant.

What they are going to do, they are going to focus, my understanding is on the community that works with Dare to Care and Kid's Cafe.

And I'm looking for an approval.

I would also like to ask the sponsor, Councilwoman Dr. Judith Green, if I could cosponsor this

along with her.

PRESIDENT TANDY: Councilwoman Green?

COUNCILWOMAN GREEN: Yes, you may.

COUNCILWOMAN WOOLRIDGE: So that is the explanation we are looking for a yes vote on this \$398,000 to have obese kids and they are also going to, you know -- this grant will be focus for if there is a health disparity and we know there is a health disparity in certain sections of Louisville Metro. Thank you, Mr. President.

PRESIDENT TANDY: Thank you Councilwoman Woolridge.

Madame Clerk, please let the record reflect that Councilwoman Woolridge would like to be added as a sponsor. Any further discussion?

Councilwoman Shanklin?

Councilwoman Shanklin: I would like to be included as a sponsor.

We have a Kid's Cafe in our area and it's something that is really needed.

PRESIDENT TANDY: Thank you Madame Clerk and thank you, Councilwoman Shanklin.

Any further discussion?

All in favor please signify by saying aye.

ALL PRESENT: AYE

All opposed?

The ayes have it and **this item passes.**

The next item that is before us is item number 22, Madame Clerk, a reading.

22- R-217-12-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM UNIVERSITY HEALTH CARE, INC. IN THE AMOUNT OF APPROXIMATELY \$50,000.00 FOR THE LOUISVILLE METRO EMS PSIAM PROGRAM.

Status:-On Council Agenda - Old Business

Committee:-Health & Human Needs

Primary Sponsor:-Madonna Flood

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN GREEN: Second.

PRESIDENT TANDY: The item is properly moved and seconded.

This item is now before us. Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, this is the final that came out of health and human needs without a quorum, and we are looking for a yes vote on this particular item, thank you.

PRESIDENT TANDY: Any further discussion?

Seeing none, this resolution calls for a voice vote.

All in favor please signify by saying aye.

ALL PRESENT: AYE

All opposed?

The ayes have it. **This item passes.**

Next item before is item number 23, Madame Clerk, a reading?

23--R-10-01-09 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ENTER INTO AGREEMENTS WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

DEPARTMENT OF HIGHWAYS CONCERNING GRANTS FOR THE MIDDLETOWN – EASTWOOD TRAIL (M.E.T.) PROJECT.

Status:-On Council Agenda - Old Business

Committee:-Transportation/Public Works

Primary Sponsor:-Hal Heiner

COUNCILMAN STUCKEL: Motion to approve,

COUNCILMAN ENGEL: Second.

PRESIDENT TANDY: This item has been properly moved and seconded. Councilman Fleming. This was in Transportation and Public Works.

COUNCILMAN FLEMING: I will defer to Councilman Owen.

I was absent that night.

COUNCILMAN OWEN: Thank you, Mr. President, we did hold a committee meeting.

The items on our agenda had some time sensitivity to them, and we were not able to muster a quorum on a storm day. We did hold a committee in, committee meeting and we refer this item and the next -- and the next item to the council's consideration without recommendation.

The item involves authorizing the mayor to apply to the Kentucky Transportation Cabinet for grants related to a trail from Eastwood to Middletown, a multipurpose trail.

I know Mr. Heiner has a significant interest in that trail, and if I understand, and he will correct me if I misspeak, but my understanding is that ultimately that trail from Eastwood to Middletown would be part of that 100 mile loop that is anticipated in the outer reaches of our county that would go from the far southwest to the northeast, but I know Mr. Heiner wants to address this.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you Councilman Owen as well.

This is a great project if it will come to fruition.

The resolution is just authorization for the mayor to apply for some federal funds that may or may not be available for this project.

This section, this is a 3.5-mile trail along Shelbyville Road.

An area that has no sidewalks or very few sidewalks and as development moves out into the area the thought being instead of a sidewalk let's build a trail that bicyclists and runners can use as well and it looks like although it's not certain at this point, it looks like a good portion of this could be used for the Louisville loop as well.

It will connect to the 21st Century Park project at Miles Park in our district.

Our goal is that sometime over the next three to five years built in phases that this trail can be built in lieu of building sidewalks and appreciate your support.

Thank you.

PRESIDENT TANDY: Any further discussion?

Seeing none.

This is a resolution calling for a voice vote.

All in favor signify by saying aye.

ALL PRESENT: AYE

All Opposed?

The ayes have it. **This item passes.** The next item is item number 24.

24--R-213-12-08 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT MOTOR TRUCK REGISTRATION FEES FROM THE KENTUCKY TRANSPORTATION CABINET.

Status:-On Council Agenda - Old Business
Committee:-Transportation/Public Works
Primary Sponsor:-Robert Henderson

COUNCILMAN PEDEN: Motion to approve.
COUNCILWOMAN WOOLRIDGE: Second.
PRESIDENT TANDY: Councilman Fleming?
COUNCILMAN FLEMING: I will defer to Councilman Owen.

COUNCILMAN OWEN: Again, the same reason that was expressed on the last item. This was heard without a quorum in the committee on a stormy day, and we bring it to the full council without recommendation, but we did hear some details about this item. This basically involves an error that was previously made in accounting and processing the K.R.S. provision that provides from the state Department of Transportation to, in this case, Metro Government, to assist in building county roads, rural secondary roads and bridge repairs in Metro Louisville and the sum of that one-time payment is \$43,610. And so we have our hat in hand and it's being filled to that accident, and we recommend the passage of this -- we don't formally recommend, but we hope that you will -- I personally hope that you will pass this resolution to receive the money.

PRESIDENT TANDY: All right.

Thank you. Councilman Owen.

Any further discussion?

All right.

Seeing none, this is a resolution calling for a voice vote.

All in favor signify by saying aye.

ALL PRESENT: AYE

All opposed?

The ayes have it. **This item passes.**

The next item before us is Item 25. Madam Clerk, a second reading.

25--O-236-12-08 AN ORDINANCE CHANGING THE ZONING FROM R-5, SINGLE FAMILY RESIDENTIAL AND R-6, MULTI-FAMILY RESIDENTIAL TO OR-1, OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 1471 BLUEGRASS AVENUE, CONTAINING A TOTAL OF 0.75 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11058).

Status:-On Council Agenda - Old Business
Committee:-Planning/Zoning, Land Design & Development
Primary Sponsor:-Tom Owen

PRESIDENT TANDY: Is there a motion?

COUNCILMAN PEDEN: So moved.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: The item is properly moved and seconded.

This was in planning or -- excuse me, Planning and Zoning so Councilman Owen.

COUNCILMAN OWEN: You will hear enough of me tonight colleagues. I will try to be brief.

This is a project on a large piece of property considering the nature of some of the adjacent single family residences on Bluegrass Avenue as you are coming off Taylor Boulevard headed to Saint Mary and Elizabeth Jewish Hospital.

It's on the north side of the street.

One of the concerns that the planning commission dealt with was significant buffering to the north to adjacent single-family residences. This site has been used, I believe, for a day care.

It now comes to us as a multipurpose zoning, and we -- I believe I am confident that Councilwoman Butler is anxious to see the offices as well as the multifamily residences redeveloped on this site. It's been a little bit of a problematic site for her, and she may well want to comment.

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President, Councilman Owen is correct and the neighbors have been anxious too to see the property cleaned up and redeveloped and I urge your support for it.

PRESIDENT TANDY: Thank you.

Any further discussion?

Seeing none, this is an ordinance that calls for a roll call vote.

Madame Clerk please open the voting.

Voting result: Item 25

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: EXCUSED ABSENCE

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: EXCUSED ABSENCE

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 23 yes votes and three members not voting; Councilman Unsel and Councilwomen Ward-Pugh and Flood. Mr. President Councilwoman Welch is not showing up here so I am voting manually on this, and she is indicating which vote that she wishes.

PRESIDENT TANDY: Okay.

COUNCILWOMAN WELCH: We don't know why but for whatever reason number 13 is not on the screen. It is the lucky number, just not tonight.

COUNCILMAN PEDEN: This is her furlough night.

PRESIDENT TANDY: Madame Clerk, please allow the record to reflect the vote of Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you very much.

CLERK HERRON: So noted.

PRESIDENT TANDY: We have 23 yes votes on the matter, is that correct?
That's correct.

This item passes.

26--O-237-12-08 AN ORDINANCE CHANGING THE ZONING FROM M-2, INDUSTRIAL TO C-3, COMMERCIAL ON PROPERTY LOCATED AT 415 EAST MARKET STREET, CONTAINING A TOTAL OF 0.38 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9104).

Status:-On Council Agenda - Old Business

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Tom Owen

COUNCILMAN DOWNARD: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded.

Councilman Owen.

COUNCILMAN OWEN: 145-year-old building and one of Louisville's long standing businesses at this location on East Market Street.

Most recently the building and for a long time has been occupied by the Debrovni Tarpaulin and Tent company there a long, long time on the north side of East Market.

This is a down zoning from M2 industrial to C3.

It involves a pretty complex project.

It involves commercial on the lower level, several residential units in this project, 16 dwelling units. Probably the most complex piece of the project is the parking.

There is parking along the side to the east.

There is parking underneath the structure, which makes me a little nervous with 145-year-old building, but I'm sure they have a good structural engineer, but it is a significant multipurpose mixed use project, and if I'm not mistaken, Mr. Tandy, it's in your district.

PRESIDENT TANDY: It is and we would appreciate your support of it.

Any further discussion, Councilman Downard.

COUNCILMAN DOWNARD: We look a lot alike except I don't have any tie on tonight.

Is it appropriate for me to ask who the developer is.

This is an interest trait and unusual development, is it appropriate to ask who it is because we need people doing these kinds of things.

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COUNCILMAN OWEN: I am not going to be remembering who the developer is.

COUNCILMAN DOWNARD: Tomorrow is might be better.

COUNCILMAN OWEN: It will dawn on me when we are two items down.

COUNCILMAN DOWNARD: I was just trying to give them a plug.

PRESIDENT TANDY: Thank you, any further discussion?

Seeing none, Councilman Johnson?

COUNCILMAN JOHNSON: Wouldn't this be the Blue people?

The Blue family.

COUNCILMAN OWEN: I don't recall.

I'm not sure.

This is East Market. And there have been focused on -- I don't know.

I'm not sure.

PRESIDENT TANDY: Any further discussion?

All right.

Seeing none, -- this is an ordinance calls for a roll call vote.

Madame Clerk, please open the voting.

Voting result: Item 26

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: EXCUSED ABSENCE

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: EXCUSED ABSENCE

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 23 yes votes and three members not voting; Councilman Unseld and Councilwomen Ward-Pugh and Flood.

PRESIDENT TANDY: **The item passes.** The next item before us is item 27. Madam Clerk, a second reading.

27--O-227-12-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO R-6, MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 4511 AND 4513 CRAWFORD AVENUE, CONTAINING A TOTAL OF 2.22 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9165). (AS AMENDED)

Status:-On Council Agenda - Old Business
Committee:-Planning/Zoning, Land Design & Development
Primary Sponsor:-Tom Owen

PRESIDENT TANDY: May I have a motion?
COUNCILWOMAN WOOLRIDGE: So Moved.
COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: The item has been properly moved and seconded.
Councilman Owen?

COUNCILMAN OWEN: This is -- it was heard extensively in committee on two occasions, and essentially this is a goodly number of multifamily residences, apartments being built on the north side of Crawford Avenue.

Crawford Avenue is there at the Home Depot off of Dixie Highway in the area of the government center, Southwest Government Center.

It's a very narrow lane.

The developer takes responsibility for bringing the width of the street all the way down to the apartment complex, bringing it up to speed as far as width is concerned.

He also is putting sidewalks in front of the facility.

Mr. Blackwell had come to our committee and had some concerns about the construction material for the dumpsters so we added a binding element in which the developer agreed to rather than use framing material for the dumpsters to use masonry material similar to that, which is being used in the project.

So it would be masonry material for the dumpsters, we made that a binding element.

The more complex binding element involves extending the sidewalk from this existing site in front of a residence next door to the east on the north side of Crawford all the way to Dixie Highway.

There was some, and there is sidewalk continuing from the site in front of the residence and alongside Home Depot to their driveway.

But the out parcel on that site is a bank, and when the bank was put there, they didn't have to put in a sidewalk.

Now, it's all made a little more complex by the fact that there is a swale there, a drainage swale, further made complex by the fact that there is no public right-of-way there.

So we carefully tried to craft with Mr. Blackwell's cooperation a binding element that said if I recall or remember its detail was essentially if metro can secure from the private property owner of that site sufficient right-of-way for putting in a sidewalk, then the developer will share half of the expense for extending that sidewalk from the Home Depot driveway to Dixie Highway, half of the expense and the other half would come from Mr. Blackwell's fund which is created in lieu of payment for the sidewalk fund.

And so that's the binding element, which was additionally crafted.

And so with those binding elements it comes to you, those were not -- those were made committee amendments, they are already in the document.

And so we bring that to you for an approval.

And Mr. Blackwell may well want to comment on this case.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President.

Actually, just briefly, Councilman Owen did a fine job of explaining the additional binding elements.

I do want to thank Councilman Owen because we were at kind of a standstill with the sidewalk issue with the developer and trying to get them to tie that in, and the reason that is important to tie

it in is because you are putting a number of units back there on Crawford, and that is -- that will link the apartment complex to Dixie Highway so it's an important piece there that we hope once we are able to acquire the easement that the developer and our office will then actually put those sidewalks in place.

So we are hoping that we can get that done in a year because we only have a year to get it done according to the binding element as well.

So, again, thank you, Councilman Owen for your help on that and I would appreciate a yes vote tonight.

COUNCILWOMAN WOOLRIDGE: I have one question.

It looked like it's number two where it says Metro Government will provide a 50% match for the sidewalk construction, now, help me understand, did Councilman Owen say that Councilman Blackwell was going to take care of these funds at the Metro Government.

I need to get a clarification about that amendment.

Number two there?

COUNCILMAN OWEN: I'm struggling at the language.

Have I used the language correctly?

I'm saying from the commitment for Metro Government is from fee in lieu, that fund is created when a development occurs within your district and the developer says it's virtually impossible to squeeze in a sidewalk here, we can't do it or for whatever reason the planning commission agrees that there would not be a need for a sidewalk though the code formally requires that sidewalk, then the developer is required to pay a sum of money to put in a fund that's accessible only by the council person from that district, and that's the funds that we have designated for use for that sidewalk.

If there are no funds, then it can't be done, but I am confident that Mr. Blackwell does have some funds there in that special fund that each of us, councilwoman, have access to only if there have been projects within our district where there has been that fee in lieu.

PRESIDENT TANDY: Councilman Blackwell, do you want to address that?

COUNCILMAN BLACKWELL: The only reason originally we had that listed that it was going to come from the fee in lieu account, my concern was that if something else would come from that fee in lieu account, that I would just make it out of our infrastructure account as well.

So that's why I didn't tie it to the fee in lieu account, but it doesn't really matter.

That's where it will come from in all likelihood.

It will either come from the fee in lieu.

COUNCILMAN OWEN: You are right, and I need to clarify that.

COUNCILWOMAN WOOLRIDGE: I guess the language I have had fee in lieu, I think we have used most all of our developers in our district.

I guess the part I was sort of struggling with when it says Metro Government by the 50%, but I believe -- I am still struggling with it.

I will probably get it on my way home tonight, but I'm really struggling with it when we were saying the fee in lieu, but why aren't we just saying that as opposed to metro government will provide the 50%? That's my struggle, the wording.

I don't want to make a federal case out of it, Mr. President, but if somebody could explain to me that, it would be helpful.

PRESIDENT TANDY: Councilman -- Councilman Blackwell.

COUNCILMAN BLACKWELL: I was just going to say if it would make her feel more comfortable we could put, after metro government we could put district 12.

PRESIDENT TANDY: Are you making that in the form of a motion?

COUNCILMAN BLACKWELL: If that would make her feel more comfortable, then I would make that in the form of a motion.

That's certainly the intent, would that work?

PRESIDENT TANDY: First, should we have a motion properly on the floor.

So that's your -- you are making the motion to amend.

COUNCILMAN BLACKWELL: I wanted to hear if that helps her, then I want to make the motion.

If that doesn't help, there is no reason to.

COUNCILWOMAN WOOLRIDGE: Thank you Mr. President. I'm going to vote for this to my district 12 colleague, I'm going to vote for this, I was just needing a clarification, and maybe it will make me feel better if we put District 12 in there.

I don't see anybody else really having a problem with it and I certainly don't have a big problem with it but it would make me feel comfortable to know that Metro Government is not going to do this, but district 12 is going to do this.

It would make my comfort level better.

Thank you.

PRESIDENT TANDY: Councilman Blackwell, your motion then is?

COUNCILMAN BLACKWELL: I would like to move that after Metro government and before will that we insert district 12.

PRESIDENT TANDY: Is there a second?

COUNCILMAN JOHNSON: I second it.

PRESIDENT TANDY: Properly moved and seconded.

Any further discussion on the amendment?

Okay.

Seeing none, we now vote on the amendment. Now, all in favor -- please signify by saying aye.

ALL PRESENT: AYE

All opposed?

The ayes have it.

The ordinance has been amended.

We now have the amended version of the ordinance before us.

Councilman Hawkins.

COUNCILMAN HAWKINS: Thank you, Mr. President.

Many my business life in my real life I'm a real estate appraiser.

I believe I have done some real estate appraisal work on this property and I will abstain from voting on this.

Thank you, sir.

PRESIDENT TANDY: Is there any further discussion?

Seeing none.

This is an ordinance, an amended ordinance calling for a roll call vote, Madame Clerk, please open the voting.

Voting result – Item 27

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: EXCUSED ABSENCE

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: ABSTAIN
BRENT ACKERSON: YES

CLERK HERRON: There are 21 yes votes -- 22 yes votes and one abstention from Councilman Hawkins, three not voting, council members Unseld , Ward-Pugh and Flood.

PRESIDENT TANDY: **The ordinance as amended passes.**

The next item of business is item 28. Madam Clerk, a second reading.

28--O-228-12-08 AN ORDINANCE CHANGING THE ZONING FROM R-7, MULTI-FAMILY RESIDENTIAL, C-1, COMMERCIAL AND C-2, COMMERCIAL TO M-2, INDUSTRIAL ON PROPERTY LOCATED AT 5360 RANGELAND ROAD AND 5906, 5912 AND 5914 SHEPHERDSVILLE ROAD, CONTAINING A TOTAL OF 23.08 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10831).

Status:-On Council Agenda - Old Business

Committee:-Planning/Zoning, Land Design & Development

Primary Sponsor:-Tom Owen

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

It's properly moved and seconded.

Any discussion, Councilman Owen?

COUNCILMAN OWEN: Mr. President and colleagues this is a large light manufacturing and warehouse complex essentially in the woods opposite G.E.

Much of it -- some of it is behind the commercial properties that are on Old Shep from Rangeland down to Poplar Level Road.

There is a main entrance to this complex off of Old Shep.

Also an entrance off of Rangeland and a very small entrance off of Old Shep before you get to the curve at the Christian church.

Concerns that were concerned is drainage. I think historically, that is crawdad land.

It needs retention. It needs storm water retention.

I think we are all a little sad to lose the standing of woods that are there.

On the other hand, there is similar light manufacturing and industrial development going north, let's say, I'm struggling to know which way Old Shep moves in this area going to the north on the same side of the street, but we heard it twice in committee.

Councilwoman Shanklin was there and ask the county attorney to write a binding element that would be accepted by the developer, and when we met as a committee, the county attorney had written the binding element, it had been approved and agreed to by Councilwoman Shanklin, but the developer had not seen it or approved it.

And so we bring now a floor amendment, an additional binding element that would read as follows.

Any proposed use at the development site that generates hazardous materials shall be limited to a small quantity generator or a conditionally exempt small quantity generator as those terms are defined by the United States Environmental Protection Agency or any successor thereto.

So with that, I make a motion that we accept that additional binding element that has been proved now by the developer and agreed to by Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Second.

PRESIDENT TANDY: It's been properly moved and seconded.

We are to have the amendment before us.

Is there any further discussion on the amendment?

Seeing none, we will call for a voice vote.

All in favor signify by saying aye.

ALL PRESENT: AYE

All opposed?

The ayes have it. **The amendment passes.**

So we now have the amended version of this ordinance before us.

Is there any further discussion.

Councilman Peden.

COUNCILMAN PEDEN: To clarify the third entrance you mentioned.

You said Shepherdsville Road.

Did you mean Poplar Level?

COUNCILMAN OWEN: I did, of course. Curb on Poplar Level.

Thank you very much.

PRESIDENT TANDY: Any further discussion?

Seeing none, this is an ordinance calling for a roll call vote.

Madame Clerk, please open the voting.

Voting result – Item 28

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: EXCUSED ABSENCE

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: EXCUSED ABSENCE
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 23 YES votes and three not voting.

PRESIDENT TANDY: **The ordinance as amended passes.**

The next item is item number 29. Madam Clerk, a second reading.

29--O-216-11-08 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 6412 AND 6505 E. MANSCLICK ROAD AND 8801 SMYRNA PARKWAY, CONTAINING A TOTAL OF 23.1 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9432). (AS AMENDED)

Status:-On Council Agenda - Old Business
Committee:-Planning/Zoning, Land Design & Development
Primary Sponsor:-Tom Owen

COUNCILMAN KING: Motion to approve.

PRESIDENT TANDY:

That motion is not necessary because this item was postponed to a time certain.

We now have the committee's amended version before us.

Is there any further discussion?

Councilman Owen.

COUNCILMAN OWEN: We have left the worst to last.

Colleagues, this is an ordinance, zoning ordinance that was heard in the zoning committee in December, and at the request of the developer, we were asked if the council would defer actually voting on this case until our last meeting in January. And we agreed.

Only to discover that we have already put off our meeting, our regular meeting from the 22nd to the 29th knowing that on the 8th we did have a meeting.

We had a couple of items on the agenda, and if everyone interested in this case had had as watchful eye as we needed to have we would have seen that the 90 days had expired by the 15th -- on the 15th of January, as I recall, and that a vote on the 22nd or even tonight would have been after the 90 days expired.

Now, there are folks listening saying 90 days, why?

Well, basically the planning commission hears zoning cases and makes a recommendation to the metro council.

The metro council has 90 days to make a decision on those recommendations for a zoning change from the planning commission.

That is a responsibility that this council takes with ultimate seriousness because we believe that the people have fingered us for being those direct representatives who should have the responsibility for those fundamental changes in the way the streetscape, the landscape, the world in which folks live and operate in which those changes, many of them having significant impact on neighbors, neighborhoods, businesses and the like that we should be the people to decide.

We value that responsibility. In this case, because of our inattention, we have slipped and the 90 days for us to make a decision because we if we don't make a decision in the 90 days, then the recommendation of the planning commission, which was a strong recommendation in favor of that commercial development on what I call the north corner of Smyrna Parkway and East Manslick that adjoins significant residential neighborhood to the north, to the east -- I'm struggling on which direction, but up on Manslick and certain off to the right and residential areas across to the left. This fairly significant commercial development there on the corner, we have needed to exercise our ultimate responsibility, but the 90 days have expired.

So why are we voting on this tonight if in a sense, in a real sense, it is a moot vote?

Well, the answer is we believe that we need even after the fact and even if it's moot to stand up and make a statement about our responsibility.

We also hope, and Mr. Peden had introduced two significant binding elements that the committee had agreed to and that the version that is now before us carries those binding elements we are hoping that the developer and the planning commission staff will agree to implement those binding elements, even though technically they were made in committee and they have not been ratified legally, formally, by this body. And so that's the best explanation as to what we are doing here.

I am sure Mr. Peden will want to comment.

I will make one other comment, and that is this site embodies an existing building that I think is scheduled for demolition, and that is the Pleasant Grove colored elementary school there in the Highview neighborhood. It's always been one of my stops. I have done radio programs on it.

I have done a ride by with Mr. Peden on a bus tour for the Smyrna Elementary school teachers one time so it's always been a significant site there, and it's going to be lost in this redevelopment, but that's not the relevant point.

The most relevant point that's before us tonight.

The most relevant point is that the 90 days expired and the item is before us.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: I would just like to comment that, again, I strongly encourage us to vote whether the 90 days are up or not.

Number two, the development did meet unanimous approval from the planning commission, but just to tell you the significance of -- well, both the amendment and the development in general, it garnered enough neighborhood attention that they gathered the requisite signatures to not only move the planning commission meeting to a night meeting but also move it to an onsite meeting at the government center.

That's how many people were interested and we know how that process works and how difficult it is but the citizens out there pulled it off and kudos to them for doing it.

But, again, the planning commission approved it.

The planning -- our planning committee approved it, and I'm just going to make a comment that there is always going to be people that don't want any more development at all, but I'm going to talk about the old days for a minute which seems odd following Councilman Owen being the historian that he is, but there are days if we can all remember back when there was a Kroger or a grocery, it was a Kroger when I was a kid, but you could walk there, but for some reason our commercial focus has now gone to super centers and massive hypermarkets and everything else and this is just a little bit between this one and the recent development we approved, say, next to the Jefferson Mall and so on where you can now, again, maybe depending on what goes in, you can walk from your house to the grocery. You can walk from your house to the coffee shop.

I know we talk about large commercial nodes and maybe that's where Cornerstone 20/20 is guiding us, but somewhere along the line we need to maybe look at the neighborhood store again and this one plus a few others that we have approved in my area kind of focuses back to that

attention.

So that was kind of my reason for leaning toward approving this, and supporting it, because there are just a few things in the neighborhood that people need close by as opposed to driving all the way over to the Outer Loop where they complain there is so much traffic that they can't get around.

I would appreciate your approval and for anyone watching, I promise that this, again, and you guys may not know.

This is a general development plan, nothing is specified.

Each and every building and each and every construction item will have to come back before D.R.C., and L.D. and T. for approval again. So we do have extra oversight.

So anyone that is concerned that this binding element will not necessarily be enforced for a legal technicality, we will do our very best to make sure that the planning commission follows our wishes.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you, Mr. President. A couple of questions.

When we deferred this to postpone it to a date certain.

Did we postpone it tonight or did we postpone to the second meeting in January or does the clerk have any idea?

CLERK HERRON: I believe the language said last meeting in January.

COUNCILMAN KING: And there was some question raised I think in the Committee of the Whole with respect to the actual deadline, and I'm just scanning the file here trying to determine whether the minutes were approvals and I wondered if anyone knew when the actual minutes were approved for this development because I know if you looked at this in detail you would have some idea when that was.

Until the minutes were approved their actions weren't official and I want to make sure I understand whether or not we really need -- well, it could be that -- I don't know, has it been 90 days since the minutes were approved or does anyone know that?

CLERK HERRON: It's actually in the minutes of meeting, and it reflects an October 15th, 2008 date.

COUNCILMAN KING: That's what the minutes were approved?

CLERK HERRON: When the action was taken.

COUNCILMAN KING: So when were the minutes approved.

CLERK HERRON: Two weeks after that.

COUNCILMAN KING: Which would have been November 1st.

So it could be that this vote is necessary tonight if in fact the date when the minutes are approved is the completion of their official action and I just wondered if we really know, have an answer on that.

CLERK HERRON: I believe that's been addressed, Mr. President.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: Well, first of all, I can confirm there were signatures to move that meeting to a night meeting at the government center and that was October 15th and they did vote. The question about the minutes will need to be answered by the county attorney.

PRESIDENT TANDY: Mr. O'Brien

WILLIAM O'BRIEN: I believe there is case law and an attorney general's opinion on that issue, however, you all are going to vote on it tonight from what I understand.

I will get back to the council via all council members' email exactly the statutory authority and the case law, but I believe it is from the time the vote is taken, not when approved.

COUNCILMAN KING: Thank you.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: Councilman Peden has there been any talk of memorializing or any type of monument for the colored school that was there in this proposal.

PRESIDENT TANDY: Councilman Peden?

COUNCILMAN PEDEN: With this proposal, I do not know.

A few years ago when another developer was interested, I contacted several of the preservation agencies in the city in order to just feel out their interest, and no one seemed interested.

Those that have funds, those that don't, those that look into those kinds of things.

I'm not sure if it's a matter of historical significance or the fact that it's out in the suburbs and they are not sure it's part of Louisville.

But, again, I contacted every, what I would call preservation agency, whether it's government funded or privately funded, and I even talked to two -- Ms. Lanier when she was running the Heritage Center and no one seemed to want to take up the cause of preserving this building. It's fairly small.

I think you could pretty much pick it up and put it on the back of a flat bed and carry it somewhere if you wanted to. That was a couple of development proposals ago. This one, I do not know.

Again, because I dealt with it then and didn't think to ask.

COUNCILWOMAN GREEN: That was going to be my question, have you talked to Ms. Lanier and the African American Heritage Center.

COUNCILMAN PEDEN: Not recently.

This was a couple of years ago on what I would call a prior development that didn't meet the standards of this one, and it subsequently went away and then the ground sat fallow for awhile.

but I figured the same agencies, you know, are in existence today that are in existence then.

If they didn't want to do it then, I assume they don't want to do it now.

COUNCILWOMAN GREEN: Probably then the money may not have been there because I believe there was a stall in the production of the center.

I believe that is going forth now.

So they may be very much interested in pursuing that at this point.

PRESIDENT TANDY: Thank you. Councilman Brent Ackerson.

COUNCILMAN ACKERSON: Without lending legal advice to the council, that is not my role. I would encourage a vote upon this amendment for fear that potentially should the issue or any elements of it come back at a later date, I would hate to see an argument be made by not voting on the issue that we have waived influence in the future on such. Thank you, Mr. President

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: I would concur with Councilman Ackerson, junior.

And I think, you know, the legal standing of this is going to be unusual, but I think it was mentioned this is a general development plan, therefore, it will come back to the planning commission for approval as each one of the parcels are put up for development and when that comes I think it should be very clear that the planning commission understand that although we have -- may have not acted quickly enough, there is no question to how we would have acted and what our intentions are so that they can have that to lean on when people come back for the development and I don't know whether that's weak, strong or in between, but there seems to be too many clouds around here and we ought to make our position very well known and this possibly does that. Thank you.

PRESIDENT TANDY: Councilman Benson?

COUNCILMAN BENSON: In my district and maybe a lot of other districts, a lot of people think that planning and zoning is somewhat not fair, and to me, one of the most important things is to make sure everybody has a voice to be heard and sometimes and as Councilman King is talking about, when is it approved?

When does the 90 days start?

There has been a lot of times in my district since I have been in office in the last six years, we have 100, 200, 300 acres that are approved. It affects a lot of people and a lot of people would like to have a voice, they would like to make sure that when you get to the case study that you go through and you are thorough and if the planning and zoning would keep it a month which sometimes in my district they have, or two months, then how much time do you really have the chance to digest the whole process and for everybody to know that we are thorough and we don't miss anything. And let people know that we are trying do the very best and sometimes when something like this happens, it looks like it's not the best interest.

So I'm -- I feel a lot better now that I know that it's time to vote on it.

It's not when they approve it because now I'm going to be working a lot harder to make sure I get the information and make sure everybody else is conscious of what we are dog with.

Thank you, Mr. President.

PRESIDENT TANDY: Any further discussion?

Councilman Owen?

COUNCILMAN OWEN: Two things, responding to Councilwoman Green's concern.

The old pleasant grove school has been altered a fair amount and has been a commercial property, I guess, that's now perhaps abandoned?

COUNCILMAN PEDEN: It is currently a concrete septic tank installation, the offices for that business.

COUNCILMAN OWEN: But it is a historic site, and a state historical marker would certainly be, I think, an acceptable way of approaching that memorialization as a backup position if the building itself couldn't be preserved. And then I wanted to comment on a decision by our clerk to in the future in all zoning cases, the title, the title of the document will carry the expiration date, the date when the 90 days expires.

So all you have to do in the future, all we have to do in the future every one interested is look at the title and it will dare carry the 90-day expiration date as one additional way to see that this does not occur again.

COUNCILMAN PEDEN: Very good.

Councilman Peden.

COUNCILMAN PEDEN: Just, again, not kind of off on a tangent when it comes to the historical nature of the school, I would like to comment that 200 yards to the west is the Pleasant Grove white school, and that if we are interested in erecting a historical marker kind of do it as a set indicating where they are, where they were, how close they were together, probably the same, you know, despite the fact that they couldn't go to school together, they probably walked to school together and those kinds of things.

It was the African American population in the Cooper Chapel Road area gained some notoriety a few years ago.

Someone brought a large, large article in the Courier Journal, I guess the word would be enclave of African American residents for that area because someone basically gave some land and said, here, live here.

So, again, I would like to -- if Councilwoman Green or myself or Councilman Owen pursues this after the fact that we keep that in mind that both school buildings are still in existence and right down the road from each other.

PRESIDENT TANDY: Thanks Councilman Peden.

Councilman Heiner.

COUNCILMAN HEINER: While we are making requests for the future, I have one other for the clerk. It would have been important in this case at least in the amendment if in the future we can include with the various documents if we could include a copy of the development plan as well, at

least I wasn't able to find that in this group, but a PDF or something so we have that to review at the same time would be helpful in the future. Thank you.

PRESIDENT TANDY: Councilman Owen?

COUNCILMAN OWEN: Again, this is tangential, but my other hat impinges even more painfully than usual. It is one of the absolute historical astonishments that I continue to bear with me in metro Louisville that I did an after dinner talk about five years ago that I still occasionally get out and do again and it documents 24, as I recall, colored elementary school, African American schools outside the old City of Louisville school system.

They were from Moser Road and Shelbyville Road to Eastwood.

Of course, to Heritage Creek all the way around to Highview, all the way around to Fairdale, all the way around to south, south Dixie at Orell, head up Dixie to Greenwood Road.

All of these colored elementary schools that were in the rural small village, rural Jefferson County remains an astonishment to me.

And they existed from the late 1870s until 1956, 57 right in that area.

And it's just one of the genuine astonishments for me.

It came -- I'm a kid who was raised here, and it came to me as a total surprise to make this discovery and to be involved in documenting their history.

PRESIDENT TANDY: All right.

Thank you.

Any further discussion?

Seeing none, we have the amended ordinance before us.

This is ordinance calling for a roll call vote.

Madame Clerk, please open the voting.

Voting result – Item 29

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: EXCUSED ABSENCE

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: EXCUSED ABSENCE

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 23 YES votes and three members not voting.

PRESIDENT TANDY: **The ordinance as amended passes.**

NEW BUSINESS:

PRESIDENT TANDY: The next item of business is New Business. New Business comprises items 30 through 48, Madame Clerk, a reading of those items and their assignments to committee.

30--R-11-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT - (AHEAD HUMAN RESOURCES - \$30,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

31--O-3-01-09 AN ORDINANCE ADDING A NEW SECTION OF CHAPTER 39 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO LANGUAGE ACCESS TO PROGRAMS AND ACTIVITIES OFFERED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT.

Status: On Council Agenda - New Business
Committee: Health & Human Needs
Primary Sponsor: Dan Johnson

32--O-4-01-09 AN ORDINANCE APPROPRIATING \$8,075 DISTRICT 25 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE KENTUCKY SHAKESPEARE FESTIVAL, INC. FOR EDUCATIONAL PROGRAM EXPENSES.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Doug Hawkins

33--R-13-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – GRESHAM SMITH & PARTNERS - \$200,000.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Marianne Butler

34--O-5-01-09 AN ORDINANCE APPROPRIATING \$7,043.50 FROM THE DISTRICT 17 NEIGHBORHOOD DEVELOPMENT FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR COMPLETION OF SIDEWALK CONSTRUCTION ON MURPHY LANE.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Glen Stuckel

35--O-6-01-09 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NEW DEVELOPMENTS WHICH INCLUDE THE RETAIL SALES OF GASOLINE.

Status: On Council Agenda - New Business

Committee: Labor & Economic Development
Primary Sponsor: Dan Johnson

36--R-14-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (DR. JAMES R. MCCAMMON, PH.D. - \$20,000.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

37--R-15-01-09 A RESOLUTION AUTHORIZING THE PURCHASE OF A CERTAIN TRACT OF REAL PROPERTY LOCATED IN JEFFERSON COUNTY KENTUCKY FOR THE LEVEE TRAIL.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Rick Blackwell

38--R-16-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING AMENDMENT TO A NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT - (HNTB CORPORATION - \$39,200.00 FOR A NEW NOT TO EXCEED AMOUNT OF \$239,200.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Hal Heiner

39--O-7-01-09 AN ORDINANCE APPROPRIATING \$11,000 FROM DISTRICT NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$1,000 FROM DISTRICT 5; \$1,000 FROM DISTRICT 15; \$2,000 FROM DISTRICT 4; \$3,500 FROM DISTRICT 13; AND \$3,500 FROM DISTRICT 26, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE CENTER FOR WOMEN AND FAMILIES, INC. TO PROVIDE OPERATING EXPENSES FOR SHELTER AND TRANSITIONAL HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Brent Ackerson
Cheri Bryant Hamilton
David Tandy
Marianne Butler
Vicki Aubrey Welch

40--O-8-01-09 AN ORDINANCE AMENDING ORDINANCES NO. 115 SERIES 2003, ORDINANCE NO. 94, SERIES 2004, ORDINANCE NO. 98, SERIES 2005, AND ORDINANCE NO. 112, SERIES 2006 RELATING TO THE CAPITAL BUDGETS FOR FISCAL YEARS 2003-04, 2004-05, 2005-06, AND 2006-07, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$30,443 OF CAPITAL CUMULATIVE RESERVE FUND BETWEEN CAPITAL PROJECTS.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Kevin Kramer

41--O-9-01-09 AN ORDINANCE RELATING TO CREATING A SEARCHABLE ACCOUNTABILITY WEBSITE TO INCREASE THE TRANSPARENCY OF METRO GOVERNMENT'S REVENUES AND EXPENDITURES AND SHALL BE REFERRED TO AS THE "e-TRANSPARENCY" ORDINANCE.

Status: On Council Agenda - New Business
Committee: Government Accountability & Oversight
Primary Sponsor: Hal Heiner
Kenneth C. Fleming

42--R-17-01-09 A RESOLUTION DETERMINING ONE (1) VACANT PARCEL OF REAL PROPERTY LOCATED AT 720 OLDHAM STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

43--O-10-01-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, AUTHORIZING AND DIRECTING THE PARKING AUTHORITY OF RIVER CITY INC. ("PARC") TO ISSUE ITS FIRST MORTGAGE REVENUE BONDS, OR BOND ANTICIPATION NOTES, SERIES 2009A TO FINANCE THE ACQUISITION OF THE LOUISVILLE ARENA PARKING GARAGE AND ADDITIONAL CAPITAL EXPENDITURES FOR PUBLIC PARKING AND GARAGE FACILITIES LOCATED IN LOUISVILLE METRO AND TO ISSUE ITS FIRST MORTGAGE REVENUE REFUNDING BONDS, SERIES 2009B TO CURRENTLY REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY OF LOUISVILLE PARKING AUTHORITY OF RIVER CITY, INC., FIRST MORTGAGE REVENUE REFUNDING BONDS, SERIES 1997 (COLLECTIVELY, THE SERIES 2009A BONDS AND SERIES 2009B BONDS, THE "2009 BONDS"), AND RELATED EXPENDITURES; AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE, A SUPPLEMENTAL LEASE AND A SUPPLEMENTAL SECURITY AGREEMENT NECESSARY TO EFFECT THE ISSUANCE OF SUCH BONDS; AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Jim King

44--O-12-01-09 AN ORDINANCE AMENDING CHAPTER 2, PART 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO USE LISTINGS IN THE C-N, NEIGHBORHOOD COMMERCIAL, AND C-R, COMMERCIAL RESIDENTIAL ZONING DISTRICTS, CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE PERTAINING TO CONDITIONAL USE PERMITS AND CHAPTER 4, PART 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO CELLULAR ANTENNA TOWERS (CASE NO 11941).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

45--O-13-01-09 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 7805, 7807 AND 7911 BARDSTOWN ROAD, CONTAINING A TOTAL OF 12.5 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10787).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

46--O-14-01-09 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE RETAIL MARKET STUDY (CASE NO. 11942).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

47--R-19-01-09 A RESOLUTION DETERMINING THREE (3) PARCELS OF REAL PROPERTY LOCATED AT 5330 CEDRUS CIRCLE (2030-0052-0000), 5207 KILMER BOULEVARD (0856-0133-0171), AND 4400 SHASTA TRAIL (0856-0097-0141), OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Barbara Shanklin

48--R-18-01-09 A RESOLUTION REQUESTING THE JEFFERSON COUNTY ATTORNEY'S OFFICE TO INFORM THE LOUISVILLE METRO COUNCIL ("COUNCIL") ON THE LEGAL EFFECTS THE LIEN FILINGS REGARDING THE MUSEUM PLAZA PROJECT ("PROJECT") HAVE ON LOUISVILLE METRO GOVERNMENT ("METRO") AND ITS PROPERTY AND URGING THE MAYOR TO ASK THE DEVELOPER TO PROVIDE A STATUS REPORT ON THE DEVELOPER'S OBLIGATIONS WITH RESPECT TO THE PROJECT AS SET FORTH IN THE DEVELOPMENT AGREEMENT ("AGREEMENT") AND TO REQUEST THE DEVELOPER REMOVE THE LIEN FILINGS ON THE PROPERTY OWNED BY METRO GOVERNMENT AND AFFILIATED ORGANIZATIONS.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Hal Heiner

ANNOUNCEMENTS:

PRESIDENT TANDY: Before we adjourn the formal portion of the meeting, we would like to entertain any announcements.

Any members who have announcements please use our speaker system to be recognized.

First of all, recognize Councilman Blackwell.

COUNCILMAN BLACKWELL: I would like to announce that on February 7th I will be starting a new event in district 12 called coffee with your councilman.

This event will be held at 10:00 a.m. at Sister Beans, 4956 Manslick Road, and the event is intended to be less structured than our district 12 dialogue.

I intended to give residents an opportunity to ask questions or discuss issues or give me suggestions directly.

So please join me for a cup of coffee and a chat.

Again, it will be Saturday, February 7th at 10:00 a.m. at Sister Beans Coffee Shop.

Thank you Mr. President.

PRESIDENT TANDY: Councilman Owen?

COUNCILMAN OWEN: Just for folks who are able to watch this program by web screaming or by -- on cable channel 25, I would remind those persons looking over our shoulder that this meeting tonight occurred in the first week of our winter of discontent.

This is the Thursday night of this prolonged period in which there is going to be significant challenges for our community.

Mr. Peden, earlier in our meeting spoke eloquently and expressed our community gratitude for the emergency service workers across this metro community have been involved in responding to human need and to the dangers that we face in this ice storm.

In addition to that, we expressed our gratitude for folks at LG and E and hundreds of crew people coming from out of town as well as the metro works folks and metro government, the parks department folks and MSD who have been involved in all kind of debris clearance as well as storm/ice clearance on our roadways trying to open them up and moving us about again, and so we have been also celebrating, Mr. Peden also celebrated the watchfulness that is being moment by moment expressed by neighbors, friends, church members watching over the frail and the vulnerable at this time of crisis.

There are people who are genuinely suffering tonight and perhaps in the days, and I hate to think about it, the week or so to come. I just call tonight finally for a spirit of toughness for our people. It seems to be there are two responses that we make and sometimes those responses inhabit the same person almost simultaneously.

When we are faced with challenge, we get small and carpy, and fuss and blame.

And the same higher more angelic nature we can express is one of patience and hope and endurance and caring.

And I just, to the extent -- and my words will really fall on us all, myself included.

I hope that it is that higher prevailing side that will be most dominant in our natures and that we will be able to repress our blaming carpy side, our small side when we focus exclusively on ourselves and our own suffering.

So, I just say these words knowing that these are tough, tough times in terms of the natural disaster that we experienced in September, the economic challenges that we face, the earthquake that we had earlier in the year, all of these things have come one after another, and now we are hit by a significant ice storm that is creating significant damage and human suffering. And I just hope that the higher nature of our own selves can be prevalent to the extent possible. So I say those words and all I'm doing is struggling along with the rest of us trying to keep warm and make due.

PRESIDENT TANDY: Thank you, Councilman Owen for your comments and we certainly, again, commend all of the people of Metro Louisville for their resiliency as they face these difficult times and continue to reach out to one another and helping a neighbor out in these trying times.

ADJOURNMENT:

There being no further business, the regular January 29, 2009 Metro Council meeting adjourned without objection at 7:33 pm EST.

Kathleen J. Herron, Metro Council Clerk

David W. Tandy, Metro Council President